

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EDUARDO RUBEN LOPEZ,

Defendant.

Case No. 2:23-cr-00055-CDS-DJA

**ORDER ON DEFENDANT
LOPEZ'S RENEWED MOTION TO
SEAL CONFIDENTIAL PATIENT
RECORD [ECF NO. 168-3], FILE
REDACTED EXHIBITS AND UNSEAL
OTHER FILINGS**

Upon motion of Defendant Lopez, and compelling reasons having been established, under *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006),

IT IS HEREBY ORDERED THAT:

Defendant Lopez's motion for leave to file the Confidential Patient Record with the Motion to Suppress Statements, Exhibit B [originally filed at **ECF No. 168-3**], is GRANTED. **ECF No. 168-3** shall remain Under Seal. All of the information in the patient record is Protected Health Information (PHI) under the Health Insurance Portability and Accountability Act (HIPPA), Pub.L. 104-191, 110 Stat. 1936 (1996), and its regulations. Compelling reasons support the sealing of this PHI based on the statutory and regulatory processes to safeguard an individual's confidential medical information.

Defendant Lopez's motion for leave to file redactions of personal and confidential business information in the Motion to Suppress Statements, Exhibit A [originally filed at ECF No. 168-2] and the Motion to Dismiss Wire Fraud Counts, Exhibit B [originally filed at ECF No. 166-3], is GRANTED. Compelling reasons support the redactions of the personal information to protect [PROPOSED] ORDER ON DEFENDANT LOPEZ'S MOTION FOR LEAVE TO FILE EXHIBITS UNDER SEAL

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1 individuals' privacy interests and confidential business information of a non-party which are
2 limited and are not relevant to the current litigation.

3 The original filings at **ECF No. 168-2** and **ECF No. 166-3** shall remain Under Seal. The
4 original filings contain unredacted personal and confidential business information. Other than the
5 redactions of the personal and confidential business information, publicly filed versions of the
6 documents are being made available. The limited redactions strike an appropriate balance to
7 safeguard the confidential information and provide public access to the remainder of the
8 information in the documents.

9 The clerk of the court shall unseal the following filings:

10 Defendant Lopez's Motion to Dismiss the Wire Fraud Counts (Counts Two
11 Through Six) [ECF No. 166]
12 Declaration of Samuel M. Braverman in support of Defendant Lopez's Motion to
13 Dismiss the Wire Fraud Counts (Counts Two Through Six) [ECF No. 166-1]
14 Exhibit A - Superseding Indictment [ECF No. 166-2]

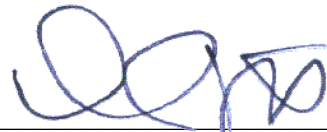
15 The clerk of the court shall also unseal the following filings:

16 Defendant Lopez's Motion to Suppress Interview Statements [ECF No. 168]
17 Declaration of Samuel M. Braverman in support of Defendant Lopez's Motion to
18 Suppress Statements [ECF No. 168-1]
19 Exhibit C – Midazolam [ECF No. 168-4]
20 Exhibit D – Alprazolam [ECF No. 168-5]
21 Exhibit E - Declaration of Andrew Edrosa in support of Defendant's Motion to
22 Suppress Statements [ECF No. 168-6]

23 IT IS FURTHER ORDERED that Defendant's motion to seal (ECF No. 191) is
24 GRANTED.

25 **It Is So Ordered.**

26 DATED this 9th day of July 2024.



27 HON. DANIEL J. ALBREGTS
28 UNITED STATES MAGISTRATE JUDGE